

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

HENRY LOPEZ ESTRELLA,

Petitioner,

v.

Case No. 2:26-cv-827-KCD-NPM

WARDEN, FLORIDA SOFT SIDE SOUTH
et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Henry Lopez Estrella challenges his detention by U.S. Immigration and Customs Enforcement (ICE), arguing he is entitled to immediate release or, in the alternative, a bond hearing under 8 U.S.C. § 1226. *See generally* Pet., ECF No. 1. While reserving all rights, including the right to appeal, Federal Respondents submit this abbreviated brief in lieu of an exhaustive memorandum to preserve their arguments and conserve judicial resources. Should the Court prefer a more exhaustive discussion, Federal Respondents request leave to submit additional briefing.

FACTS

Henry Lopez Estrella is a national and citizen of the Dominican Republic who last entered the United States without inspection on or about September 7, 1991.¹ Composite Ex. 1 at 2-5 (2026 I-213). On or about February 22, 2026², U.S. Customs and Border Patrol (CPB) agents arrested Petitioner, along with nine other individuals, in Barrio Obrero, San Juan, Puerto Rico. *Id.* at 4. Petitioner voluntarily admitted to being unlawfully present in the United States and identified himself as a citizen of the Dominican Republic. *Id.* On February 23, 2026, Petitioner was served with a Warrant for Arrest of Alien, alleging Petitioner was “liable to be taken into custody as authorized by section 236 of the Immigration and Nationality Act,” codified at 8 U.S.C. § 1226. *Id.* at 1 (2026 Warrant for Arrest). Petitioner was placed in immigration custody on February 24, 2026. Composite Ex. 2 at 1 (Detention History).

On February 27, 2026, Petitioner was served with a Notice to Appear (NTA), notifying him that he is “an alien present in the United States who has not been admitted or paroled” and charging that he is subject to removal pursuant to section 212(a)(6)(A)(i) of the INA. Composite Ex. 2 at 4-7 (2026 NTA); *see also* 8 U.S.C.

¹ Petitioner claims in his petition to have entered the United States through the coast of Puerto Rico in 1991, but informed immigration officials on or about February 23, 2026, that he entered the United States by boat near Arecibo, Puerto Rico, on May 13, 2024. *Compare* Pet. ¶ 2 with Composite Ex. 1 at 4. Regardless, upon information and belief, Petitioner entered without inspection.

² Petitioner’s I-213 states he was encountered and arrested on February 22, 2025. ICE’s Office of the Principal Legal Advisor represents this information is incorrect and Petitioner was actually arrested on February 22, 2026.

§ 1182(a)(6)(A)(i) (“An alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible.”). The NTA ordered Petitioner to appear before an immigration judge on August 31, 2026. Composite Ex. 2 at 4.

On March 20, 2026, Henry Lopez Estrella filed a petition for writ of habeas corpus alleging his custody violates the INA, the Due Process Clause of the Fifth Amendment, and the Administrative Procedure Act. Pet. ¶¶ 66-80. On March 24, 2026, the Executive Office for Immigration Review notified Petitioner that he was scheduled for a master hearing before the immigration court on April 9, 2026, but on April 8, 2026, his hearing was rescheduled to April 15, 2026. *Compare* Composite Ex. 2 at 2-3 (Mar. 24, 2026, Hr’g Notice) *with* Ex. 3 (April 8, 2026, Hr’g Notice). Petitioner is currently detained at Larkin Hospital in Miami, Florida.³ Composite Ex. 2 at 1.

CERTIFIED HABEAS RETURN

ICE is detaining Henry Lopez Estrella under the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). *See* 28 U.S.C. § 2243 (“The person to whom the writ or order is directed shall make a return certifying the true cause of the detention.”). Petitioner “has the burden of establishing his right to federal habeas

³ Petitioner filed the instant petition on March 20, 2026, when he was detained at Florida Soft Side South. *See* Composite Ex. 2 at 1. Once jurisdiction is properly acquired, a petitioner’s removal to another judicial district does not destroy a court’s jurisdiction. *Ex parte Endo*, 323 U.S. 283, 306 (1944); *Major v. Warden, FCC Coleman - Low*, No. 5:18-cv-269-OC-02PRL, 2019 WL 4194673, at *1 (M.D. Fla. Sept. 4, 2019). Indeed, “[j]urisdiction attaches upon the initial filing of the § 2241 petition and will not be destroyed by a petitioner’s subsequent Government effectuated transfer and accompanying change in physical custodian.” *Major*, 2019 WL 4194673 at *1.

relief and of proving all facts necessary to show a constitutional violation.” *Romine v. Head*, 253 F.3d 1349, 1357 (11th Cir. 2001).

ARGUMENT

I. Petitioner Lacks Standing to Bring an APA Claim

Petitioner argues his detention violates the Administrative Procedure Act (APA). Pet. ¶¶ 73-77, 79-80. However, Petitioner does not have standing to bring his APA claim. By the APA’s terms, it is available only for final agency action “for which there is no other adequate remedy in court.” 5 U.S.C. § 704. Thus, Petitioner’s APA claim is independently barred by this limitation in 5 U.S.C. § 704. In *Trump v. J.G.G.*, the U.S. Supreme Court held that where the claims for relief, as here, “necessarily imply the invalidity of their confinement” those claims “must be brought in habeas.” 145 S. Ct. 1003, 1005 (2025) (cleaned up).

Here, as in *J.G.G.*, habeas is an “adequate remedy” through which Petitioner can challenge his detention. Even if Petitioner’s APA claim had merit, which it does not, the result would be the same as that in habeas—release from detention. The Supreme Court’s holding is consistent with well-established law that habeas is generally the only possible district court vehicle for challenges brought pursuant to the immigration statutes. *J.G.G.*, 145 S. Ct. at 1005 (citing *Heikkila v. Barber*, 345 U.S. 229, 234- 35 (1953)); see also *Tran v. Warden, Florida Soft Side South et al.*, No. 2:25-cv-1224-KCD-NPM 2026 WL 672969, at *6-7 (M.D. Fla. Mar. 10, 2026).

II. Maldonado-Bautista Bond Eligible Class Claim

Although Petitioner does not explicitly allege this in his claims for relief, to the extent he claims that he is eligible for release on bond pursuant to 8 U.S.C. § 1226(a) because he claims he is a member of the Bond Eligible Class in the *Maldonado Bautista* class action, that claim is misplaced. *See* Pet. ¶¶ 6, 34-36, 38-43 (referring to *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, 5:25-cv-01873 (C.D. Cal. 2025)).

On February 18, 2026, the U.S. District Court for the Central District of California issued an order stating the court “hereby VACATES *Matter of Yajure Hurtado*[, 29 I. & N. Dec. 216 (BIA 2025),] as contrary to law under the APA.” *Maldonado Bautista*, 2026 WL 468284, at *12. On March 6, 2026, the U.S. Court of Appeals for the Ninth Circuit granted a temporary administrative stay in *Maldonado Bautista*. *See Bautista et al. v. Dep’t. of Homeland Sec. et al.*, No. 26-1044, Doc. 5 (9th Cir. 2026). This administrative stay applies to the district court’s February 18, 2026, vacatur of *Matter of Yajure Hurtado* and the district court’s December 18, 2025, declaratory judgment “insofar as the district court’s judgment extends beyond the Central District of California.” *Id.* ¶ 1. Because Petitioner was initially detained in the District of Puerto Rico and is currently detained in the Southern District of Florida⁴, the Ninth Circuit’s administrative stay precludes him from entitlement to relief as a member of the Bond Eligible Class. However, the Court does not need to decide the

⁴ *See supra* note 3.

issue of *Bautista*'s preclusive effect to evaluate Petitioner's claim. *See Avendano v. Warden, Fla. Soft Side S.*, No. 2:25-cv-1221-SPC-NPM, 2026 WL 145499, at *1 (M.D. Fla. Jan. 20, 2026) (declining to rule on *Bautista*'s preclusive effect).

III. Federal Respondents' Abbreviated Arguments

Federal Respondents acknowledge that questions of law in this case, and the challenges to the government's policy and practice, substantially overlap with *Hernandez-Lopez v. Hardin, et al.*, No. 2:25-cv-830-KCD-NPM, 2025 WL 3022245 (M.D. Fla. Oct. 29, 2025). Federal Respondents respectfully disagree with the Court's decision in *Hernandez-Lopez*. That said, in the interest of judicial economy and to expedite the Court's consideration of this matter, Respondents make the following arguments for preservation purposes:

1. Title 8 U.S.C. § 1252(g) bars review of Petitioner's claims. *Hernandez-Lopez*, No. 2:25-cv-830-KCD-NPM, Doc. 19 at 5-6.
2. Title 8 U.S.C. § 1252(b)(9) bars review of Petitioner's claims. *Id.* at 7-8.
3. Petitioner failed to exhaust his administrative remedies. *Id.* at 8.
4. Petitioner is properly detained under 8 U.S.C. § 1225. *Id.* at 8-14; *see also Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026); *Avila v. Bondi*, No. 25-3248, 2026 WL 819258 (8th Cir. Mar. 25, 2026).

Finally, Federal Respondents contend that should this Court determine that Petitioner's detention is subject to 8 U.S.C. § 1226, outright release is inappropriate.

To the extent the Court orders a bond hearing before an Immigration Judge for the purpose of determining whether Petitioner is a flight risk or danger to the community—*see, e.g., Hernandez-Lopez*, 2025 WL 3022245, at *5—Federal Respondents aver that such bond hearings are not conducted or managed by ICE, rather by the Executive Office for Immigration Review, which is not a proper party to this suit. *See Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical confinement . . . the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.”).

CONCLUSION

Federal Respondents argue Henry Lopez Estrella’s Petition for Writ of Habeas Corpus should be denied.

DATED this 10th day of April, 2026.

Respectfully submitted,

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